

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: MOTION TARGETING SYSTEM AND METHOD
Examiner: David J. CZEKAJ
Group Art Unit: 2621
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Final Office Action dated December 28, 2009, Applicants reply by filing a Pre-Appeal Brief Request for Review, along with a Notice of Appeal. Applicants also concurrently submit payment for a three-month extension of time to respond to the Final Office Action, extending the deadline for reply to June 28, 2010.

REMARKS

On page 2 of the Office Action, Claims 1, 3-5, 7-10, 21, 31, 33, 35-38 and 40 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nayar et al. in view of Chen et al. Applicants respectfully disagree.

Independent Claim 1

Claim 1 recites, among other things, a motion detector configured to “determine multiple detection areas in the next video frame, the multiple detection areas corresponding to the differences in the next video frame; sequence between views corresponding to the multiple detection areas and provide a plurality of sequenced detector output signals to the at least one video camera, each of the plurality of sequenced detector output signals corresponding to an associated one of the multiple detection areas.” According to one embodiment, the detector may be configured to command the camera to independently track multiple moving objects by cycling between views of the targets (see paragraph [0035] of the specification). The motion detector may be operated to continually monitor the video data to detect movement of the moving objects and provide a plurality of output signals to cause adjustment of at least one operating characteristic of the video camera (see paragraph [0042] of the specification). By sequencing between multiple detection areas, the present invention advantageously improves the value of a video recording by capturing the largest amount of movement areas, given that they are more probable to be of value to security personnel.

The Office Action acknowledges that “Nayar fails to disclose the multiple detection areas as claimed” and relies on Chen et al. to overcome this deficiency of Nayar et al. (see page 3 of the December 28, 2009 Office Action). Chen et al. disclose using different thresholds to filter the pixels changed in two consecutive image frames and calculating the moving contour corresponding to each region in order to get the region of the moving object accurately (see Chen et al., col. 11, lines 45-65). The Office Action alleges “it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Nayar and add the detection taught by Chen in order to obtain an apparatus that can correctly abstract moving objects,” (see page 3 of the December 28, 2009 Office Action).

Even if Chen et al. disclose a motion detector that calculates the moving contour corresponding to each region in order to get the region of the moving object accurately, Nayar et al. do not disclose a motion detector that provides “a plurality of sequenced detector output signals” that correspond “to an associated one of the multiple detection areas.” Rather, Nayar et al. disclose using a motion detector of a first imaging system to detect moving objects and then

tracks the objects with a second imaging system, (see Nayar et al., col. 4, lines 6-15). In other words, Nayar et al.'s motion detector do not sequence between views corresponding to multiple detection areas that have already been determined to be of interest and provide sequenced outputs. Thus, both Nayar et al. and Chen et al. are deficient, both alone and in combination, at least for failing to disclose a motion detector configured to "sequence between views corresponding to the multiple detection areas and provide a plurality of sequenced detector output signals to the at least one video camera, each of the plurality of sequenced detector output signals corresponding to an associated one of the multiple detection areas."

In view of the foregoing differences between Claim 1 and the applied references, Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness based on Nayar et al. in view of Chen et al.

Independent Claims 31 and 40

Independent Claims 31 and 40 recite features similar to Claim 1. Claim 31 is directed toward a motion detector and Claim 40 is directed toward a method of monitoring a moving object corresponding to Claim 1. Specifically, Claims 31 and 40 recite the features of "when the next video frame is different than the first video frame: determine multiple detection areas in the next video frame, the multiple detection areas corresponding to the differences in the next video frame; sequence between views corresponding to the multiple detection areas; and provide a plurality of sequenced detector output signals each of the plurality of sequenced detector output signals corresponding to an associated one of the multiple detection areas." As discussed above with respect to amended Claim 1, these features are not taught, disclosed or suggested by Nayar et al. nor Chen et al. These claims are therefore believed patentable, and Applicants respectfully request the rejections to these claims be withdrawn.

Dependent Claims 3-5, 7-10, 21, 33 and 35-38

Claims 3-5, 7-10, 21, 33, and 35-38 depend directly or indirectly from corresponding ones of independent Claims 1 and 31 are therefore allowable at least by virtue of their dependency.

On page 5 of the Office Action, Claims 12¹ are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nayar et al. in view of Chen et al. and further in view of Egnal et al.

Independent Claims 22 and 52

Independent Claim 22 recites the same features discussed above with respect to Claim 1. Independent Claim 52 recites the same features discussed above with respect to Claim 40.

Nayar et al. and Chen et al. are deficient for the reasons discussed above. The Office Action relies on Egnal et al. for disclosing a plurality of motion detectors (see page 5 of the December 28, 2009 Office Action). Even if Egnal et al. disclose multiple motion detectors, it remains that Nayar et al., Chen et al. and Egnal et al. are deficient, both alone and in combination, at least for failing to disclose a motion detector configured to “sequence between views corresponding to the multiple detection areas and provide a plurality of sequenced detector output signals to the at least one video camera, each of the plurality of sequenced detector output signals corresponding to an associated one of the multiple detection areas.”

In view of the foregoing differences between Claims 22, 52 and the applied references, Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness based on Nayar et al. in view of Chen et al. and further in view of Egnal et al. Claims 12-19, 21, 24, 25, 27-30, 39, 43-51, 53 and 55 depend directly or indirectly from corresponding ones of independent Claims 1, 22, 31, 40 and 52 are therefore allowable at least by virtue of their dependency.

On page 11 of the Office Action, Claims 2, 6, 23, 26 and 34 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nayar et al., Chen et al. and Egnal et al. further in view of Kajino et al..

Dependent Claims 2, 6, 23, 26 and 34

Claims 2, 6, 23, 26 and 34 depend from corresponding ones of Claims 1, 22 and 31 and are allowable for the reasons discussed above.

Nayar et al., Chen et al. and Egnal et al. are deficient for the reasons discussed above. The Office Action relies on Kajino et al. for disclosing a controllable camera having a dome (see

¹ The summary of the rejection omits to include Claims 13-19, 21, 22, 24, 25, 27-30, 39, 43-53 and 55, which are discussed in the detailed discussion of this rejection.

page 11 of the December 28, 2009 Office Action). Even if Kajino et al. disclose a controllable camera having a dome, it remains that Nayar et al., Chen et al. Egnal et al. and Kajino et al. are deficient, both alone and in combination, at least for failing to disclose a motion detector configured to “sequence between views corresponding to the multiple detection areas and provide a plurality of sequenced detector output signals to the at least one video camera, each of the plurality of sequenced detector output signals corresponding to an associated one of the multiple detection areas.”

For all of the above reasons, the claim rejections are believed to have been overcome placing Claims 1-10, 12-41 and 43-55 in condition for allowance. Reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No: 502104.

Respectfully submitted,

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